

**DURHAM, NORTH CAROLINA
MONDAY, FEBRUARY 2, 2004
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Absent: None.

Also present: City Manager Marcia Conner, City Attorney Henry Blinder, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Bell called the meeting to order with a moment of silent meditation and the Pledge of Allegiance.

Mayor Bell read a proclamation declaring February 8-14, 2004 as Child Passenger Safety Week, recognized Jennifer Donner of Untidy Museum who presented Council with Durham, Love Yourself tee shirts and made remarks about the State of the City Address acknowledging City employees and Capitol Broadcasting for the use of their facility.

The Mayor read a proclamation declaring February 2004 as Black History Month and Mayor Pro Tempore Cole-McFadden read a proclamation proclaiming February 2004 as Human Relations Month.

Human Relations Vice Chair Marianna Breyer provided a listing of events planned for Human Relations Month.

Aneesa Johnson performed a beautiful song, "*I Have A Dream.*"

Mayor Pro Tempore Cole-McFadden presented a certificate of appreciation to Aneesa Johnson for her participation in the activities during Human Relations Month. Also, the Mayor Pro Tem reported on the two new code enforcement teams that will be deployed this week to neighborhoods near NCCU and Trinity Heights community to improve the safety and appearance of the community.

Mayor Bell asked for priority items from the City Manager, City Attorney and City Clerk. City Manager Conner requested that Consent Agenda #17 [Renegotiated Loan Repayment Agreement--Marlynda W. Bodison] be postponed until the February 5, 2004 City Council Work Session and recognized Interim Director of Housing and Community Development Constance Stancil for comments. Ms. Stancil read the following HUD disclosures for the record pertaining to a potential conflict between Floyd Laisure and the John Avery Boys and Girls Club and former City Council Member Tamra Edwards and the YMCA's Turning Point Gang Initiative.

February 2, 2004

Good Evening, Mayor Bell, Council Members, City Manager Conner, and Attorney Blinder.

My name is Constance Stancil; I am the Interim Director of the Housing and Community Development Department.

I come before you tonight to make a public disclosure of a potential Conflict of Interest involving Mr. Floyd Laisure of the John Avery Boys and Girls Club and a similar potential conflict of interest involving Former Council Member Edwards.

These public disclosures are in connection with the requests by the City of Durham to the Department of Housing and Urban Development to be allowed to enter into a contract between the City of Durham and the John Avery's Boys and Girls Club, a nonprofit corporation for fiscal year 2003-04, and a contract between the City and the YMCA of Greater Durham another nonprofit corporation for fiscal year 2003-04.

In the case of YMCA, the project is the Turning Point Street Gang Initiative, in the amount of \$50K. The Triangle YMCA serving the Associate-Vice President of Development employs former Councilwoman Edwards. Ms. Edwards' job responsibilities are not related to the implementation of the project and she is not expected to receive personal financial benefit from this project. The Code of Federal Regulations (570.611) requires that we publicly disclose any potential conflict of interest up to a year after a council member leaves the City Council. Our HUD representative in Greensboro has requested that we do a public disclosure as it relates to the YMCA's project and Ms. Edwards because her status on City Council has changed.

In the case of the John Avery's Boys and Girls Club, the project is an Infrastructure Improvement Project – replacement of HVAC units, roof repair & replacement of doors and windows at 808 Pettigrew Street in the amount of \$55K.

Floyd Laisure is the Executive Director of the John Avery's Boys and Girls Club. Mr. Laisure is not expected to receive any personal financial benefit from this project. There will be no payments for any salaries or service that could possibly be perceived as a personal gain.

There were no priority items from the City Attorney and City Clerk.

Council Member Catotti requested that the General Business Agenda public hearings be heard after the Consent Agenda.

Mayor Bell asked if any citizen(s) or council member(s) wanted to pull any items from the Consent Agenda. Consent Agenda Item 9 [National Register Nomination Statement for Morehead Hill and Trinity Historic Districts Boundary Expansion] was pulled.

February 2, 2004

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to approve the Consent Agenda as amended was approved at 7:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

[CONSENT AGENDA]

SUBJECT: APPROVAL OF CITY COUNCIL MINUTES – CITY CLERK’S OFFICE

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to approve City Council Minutes for the January 5, 2004 regular City Council Meeting; and

To approve City Council action taken at the January 8, 2004 City Council Work Session was approved at 7:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: DURHAM AREA TRANSIT AUTHORITY – RECEIPT AND ACCEPTANCE OF APPLICATIONS

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to receive and accept applications for a citizen to fill one (1) vacancy for a Regular Member on the Durham Area Transit Authority with a term expiring March 1, 2005 was approved at 7:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: PASSENGER VEHICLE FOR HIRE COMMISSION – RECEIPT AND ACCEPTANCE OF APPLICATIONS

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to receive and accept applications for citizens to fill two (2) vacancies representing Substance Abuse and Permit Holder with terms expiring on January 1, 2007 was approved at 7:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: CONSTRUCTION OF C. M. HERNDON PARK - R. P. CONSTRUCTION COMPANY, INC.

February 2, 2004

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to approve the Capital Project Ordinance amendment; and

To authorize the City Manager to enter into a contract with R. P. Construction Company, Inc. in the amount of \$2,438,649 with a contingency fund in the amount of \$365,797 for a total construction cost of \$2,804,447; and

To authorize the City Manager, or her designee, to negotiate and execute change orders for the project provided that the cost does not exceed \$365,797 and the total cost of the project does not exceed \$2,804,447; and

To authorize the City Manager to modify the agreement before execution provided that modifications do not increase the dollar amount of the agreement, and the modifications are consistent with the general intent of the existing version of the agreement was approved at 7:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

Ordinance #12913

SUBJECT: ON CALL PROFESSIONAL SERVICES

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to authorize the City Manager to execute Master Agreements for On-Call Professional Services with the firms listed in the Executive Summary section of the associated agenda memo; and

To authorize the City Manager to modify the agreements provided that the modifications do not increase the dollar amount of the agreements and the modifications are consistent with the general intent of the existing version of the agreements was approved at 7:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

Engineers	Architects	Real Estate Services	Landscape Architects	Environmental Services	Construction Management	CADD
Carter Burgess	The New Synergy Inc. (MSDBE)	Martin & Co. (MSDBE)	Sears Design	General Engineering & Environmental of NC, Inc.	Bree Consulting (MSDBE)	I-in-Eye CADD Services (MSDBE)
Polytech, Inc.	W.W. Kingsbury, Architect	CH Engineering (WSDBE)	Lappas & Havener	IMS, Inc.	Parsons-Brinkerhoff	Trigon
URS Corp.	Roughton Nickelson De Luca Architects, PA	Triangle Aerial Surveys, Inc. (MSDBE)	Little & Little	The Environmental Group of the Carolinas (MSDBE)		Parsons-Brinkerhoff Quade & Douglas, Inc.
CH	Yongue	ESP	Coulter	MACTEC		

February 2, 2004

Engineering (WSDBE)	Architects PA (MSDBE)	Associates, P.A.	Jewell Thames	Engineering and Consulting		
AB Engineers (MSDBE)	GH Williams (MSDBE)		Howard A. Partner	Piedmont Geologic, P.C.		
				S&ME, Inc.		

SUBJECT: CHANGE ORDER #6 TO THE WILD BUILDING CONTRACTORS, INC. CONTRACT TO CONSTRUCT THE DATA OPERATIONS, MAINTENANCE AND ADMINISTRATION FACILITY

To authorize the City Manager to execute Change Order #6 to the contract with Wild Building Contractors, Inc. for General Contracting services to construct the DATA Operations, Maintenance, and Administration Facility on Fay Street in the amount of \$321,191; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract.

Note: This item was approved at the 1/22/04 Work Session with a vote of 6/0.

SUBJECT: INITIAL CONCEPTUAL DESIGN FOR MULTI-MODAL STATION

To receive a presentation on the Initial Conceptual Design for Multi-Modal Station.

Note: This item was moved to the February 5, 2004 Work Session.

SUBJECT: AMERICAN SOCIETY FOR QUALITY

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to receive comments from Chris Tiffany on detecting and correcting Quality Control Errors was approved at 7:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: RENEGOTIATED LOAN REPAYMENT AGREEMENT (MARLYNDA W. BODISON)

February 2, 2004

To authorize the City Manager to execute the loan repayment agreement with the Borrower in an amount not to exceed \$28,256.92 of Community Development Block Grant (CDBG) funds; and

To authorize the City Manager to modify the agreement before execution provided that modifications do not increase the dollar amount of the agreement, and the modifications are consistent with the general intent of the existing version of the agreement.

Note: The item was postponed to the February 5, 2004 City Council Work Session.

[ITEM PULLED FROM CONSENT AGENDA]

**SUBJECT: NATIONAL REGISTER NOMINATION STATEMENT FOR
MOREHEAD HILL AND TRINITY HISTORIC DISTRICTS
BOUNDARY EXPANSION**

Council Member Stith asked questions that were answered by staff relative to notification process.

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to adopt a resolution authorizing the Mayor to sign a statement of support for the nomination of the Morehead Hill and Trinity Historic Districts boundary expansions to the National Register of Historic Places was approved at 7:32 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

Resolution #9078

[GENERAL BUSINESS AGENDA - PUBLIC HEARINGS]

**SUBJECT: WATTS-HILLANDALE HISTORIC DISTRICT PRESERVATION
PLAN**

To receive public comments; and

To adopt the Watts-Hillandale Historic District Preservation Plan.

City/County Planning Director Frank Duke briefed Council on the staff report commenting on the petition submitted by the Watts-Hillandale Neighborhood Association to make their neighborhood a historic district designation. He noted the Historic Preservation Commission, the Planning Committee and staff have all recommended approval of this plan.

Mayor Bell opened the public hearing.

February 2, 2004

Carrie Mowy, representing the Historic Preservation Society, expressed support for the Watts-Hillandale Historic District Preservation Plan and amendments recommended by Watts-Hillandale Neighborhood Association.

Guillernio Rodriguez, President of Watts-Hillandale Neighborhood Association, spoke in favor of this item urging Council to support this plan.

Tom Miller, representing the Watts-Hillandale Neighborhood Association, provided Council with a handout outlining minor amendments [1-9] to the plan. He noted staff is comfortable with changes, except for 9 g. and the Association has agreed to delete it from the list. Mr. Miller urged Council to make the following minor amendments to the plan before giving their final approval:

<u>Comment No.</u>	<u>Current Page</u>	<u>Comment text</u>
1.	31-36	Figures 3 through 8 We suggest that the drawings in Figures 3 through 8 be replaced with photographs of the houses depicted. In addition to a photograph of the front facade, the figures could be supplemented with detail shots of the features listed in the figure. We would be willing to bear the cost of supplying high quality black-and-white photographs for this purpose. Photographs will provide a more accurate and useful guide for users of the plan than the line drawings. Also, photographs will permit the inclusion of additional examples to depict more fully the broad range of early 20th Century home styles prevalent in the district. This suggestion is a modified version of comment 4 from our September 1, 2003 memo.
2.	40	Historic Preservation Goal Add sentence at the end of the first paragraph of the section headed <i>Historic Preservation Goal</i> : "Rerouting electrical and communications wiring underground to preserve street trees and restoration of sidewalks in a tree-sensitive way is also desirable." This is a modified version of comment 8 from our September memo.
3.	42	Policy: Regulation Add the following sentence as 6.: "Encourage new structures and houses to conform to pre-1940 designs, styles, materials and proportions." The

purpose of this section would be to establish a clear policy statement to encourage infill development in the district to follow the very successful example of recent infill development in the Trinity Heights district. This is a somewhat softened version of comment 13 from our September memo.

4. 44

Policy: Technical Assistance, Recommendation for Action

Add the following sentence as d.: "Provide qualified expertise as resources permit to assist in the research and preparation of National Register nomination materials for the expansion of the district." This modification of our earlier comment 24 backs away from a demand that the city hire a consultant to prepare the nomination for a future expansion of the district.

5. 44

Policy: Technical Assistance, Discussion

Add the following text as a third paragraph: "The state historic tax credit program offers owners of qualifying structures another opportunity to help offset the costs of maintaining the historic integrity of individual structures in Watts-Hillandale. A small expenditure of resources to research and prepare a National Register nomination for an historic district quickly repays itself. When state tax money is redirected back into the city in the form of tax credits, it acts as a very strong incentive to owners of residential property to commit their private resources to quality rehabilitation of sensitive and sometimes substandard housing. After the district is created, no further expenditure of city money is required." This is a modification of our earlier comment 25 and is intended to complement and provide a rationale for the new item d. described above.

6. 44

Policy: Development Activity

Replace existing 1. with the following: "Promote appropriate new development activity in the district which is unobtrusive and compatible with existing buildings and which tends to stabilize the existing neighborhood while promoting the ends of historic preservation." This is a modified version of comment 26 from our September memo. It is

intended to state more precisely the policy intended in the text of the current draft. This statement is less likely to be taken out of context than the current text.

7. 44

Policy: Development Activity, Recommendations for Action

Remove the words "and creative new" in a. In light of the modifications we propose to the policy statement in this section, this modification to the recommendations for action is appropriate and provides a clearer statement of what is intended.

8. 44-45

Policy: Development Activity, Discussion

Add to the end of the first paragraph: "The Watts-Hillandale district is an important, but fragile municipal resource. Its significance as an historical resource is that it remains substantially undisturbed from the time of its original development. It is a remarkable catalog of in-tact examples of all of the residential styles prevalent in the United States during the early decades of the 20th Century."

Add to the end of the second paragraph:
"Substantial redevelopment in the area is undesirable. While limited in-fill development may be possible on vacant lots, development on these properties must be undertaken with care. Approval for the further subdivision of existing lots and the erection of new buildings and structures should be permitted only if the historic fabric of the district is not disturbed."

This additional text in the discussion section compliments the clarifications to the policy and recommendations suggested above.

9. 45

Policy: Planning Coordination and Public Facilities, Recommendations for Action

Insert the following: "g. Support the replacement of overhead power and communications lines with appropriate underground facilities."

Insert the following: "h. When park furnishings and structures reach the end of their useful life, replace

February 2, 2004

with new items of historically appropriate design if reasonably available."

Mayor Bell declared the public hearing closed.

City/County Planning Director Frank Duke noted staff supports all the revisions mentioned by Mr. Miller with the exception of 9 g.

Council Member Brown spoke in support of this item.

Council held discussion on the local district boundaries map and notification process.

MOTION by Council Member Catotti seconded by Council Member Clement to receive public comments; and

To adopt the Watts-Hillandale Historic District Preservation Plan as amended to include changes recommended by the Watts Hillandale Neighborhood Association with the exception of 9 g. was approved at 7:47 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: FISCAL YEAR 2004-05 BUDGET

To receive public comments on the City of Durham's Fiscal Year 2004-05 Budget.

Budget Director Julie Brenman made remarks on this item and gave an overview of Coffee with Council sessions to be held in the PAC districts.

Mayor Bell opened the public hearing.

Melvin Whitley, of 2614 Harvard Avenue, provided Council with a Good Neighbor Wish List II highlighting the crime and appearance of East Durham and NECD. He urged Council to come up with a seven year program to pave all the unpaved streets, to resurface paved streets; put sidewalks in deteriorating neighborhoods; provide water and sewer; create recreation centers for East Durham; form a bank partnership to create a low interest rehabilitation loan pool for rental properties and homeowners living in deteriorating neighborhoods; hire 5 more Housing Inspectors and 2 support staff; and fund a neighborhood development program.

Diane Wright, representing the Campaign for Decent Housing, urged Council to add 5 housing inspectors and 2 support staff to bring 1,000 homes up to code next year to be funded from the core City budget, not federal grants and to expand programs for homeowner rehabilitation, rental relocation and affordable housing.

February 2, 2004

Fred White, representing the Campaign for Decent Housing, spoke in support of funding additional housing inspectors noting the Campaign has identified 143 deteriorated houses and 387 abandoned houses.

Mayor Bell made remarks on the Campaign's efforts and requested a report on the dwellings that have been visited.

City Manager Conner noted the administration will provide monthly reports on what houses have been brought up to code.

Council Member Brown expressed concern that Trinity Park is one of the first neighborhoods to be addressed for the code enforcement initiative. He noted the administration should put their time and efforts in East Durham where there is already a list.

Cheryl Sweeney, representing the Inter-Neighborhood Council, spoke in support of the proposal submitted by the Campaign for Decent Housing.

Ron Coles, representing Durham CAN, spoke in favor of DAHC's request.

Laura Grattan, representing Durham CAN, urged Council to raise the living wage to 7.5% above federal poverty guidelines which hasn't been adjusted in three years.

Rev. Herb Davis, representing Durham CAN, spoke in favor of increasing the living wage to improve the quality of life.

Rev. Michael Broadway, representing Durham CAN, urged Council to make youth programs a priority and spoke in favor of a 2-cent increase in property taxes to be dedicated for before and after school care.

Angelina Schiavone, representing El Centro Hispano, urged Council to hire bi-lingual 911 operators and housing inspectors.

Frank Hyman, representing Durham CAN, urged Council to support efforts to reduce crime and to fund the hiring of adults to work with children during after school hours.

Chris Tiffany, of 611-F Lawson Street, urged Council to publish a compliant policy and to stop police harassment.

Steven Matherly, representing People's Alliance, urged Council to think carefully about giving money to corporations to locate here.

Thomas Sheppard, of 1419 Sedgefield Street, urged Council to dedicate funds for access to after school care and spoke in support of Durham CAN's proposal.

February 2, 2004

Victoria Peterson urged Council to address the crime problem in African American communities, requested \$4 million and gave an overview of her program--Triangle Citizens Rebuilding Communities.

Arnold Dennis, of 311 Rippling Stream Road, spoke in support of funding for youth programs and the Rites of Passage.

Warren Herndon, representing Durham Business & Professional Chain, urged Council to support non-profits that support youth initiatives like the Rites of Passage and other organizations.

Audrey Mitchell, representing the Walltown Community Association, urged Council to approve \$300,000 for the expansion of the Walltown Recreation Center to accomplish the construction plan to build the new addition.

Carrie Mowy, of 908 N. Mangum Street, asked Council to support funding for the NECD Action Team to be designated for staff.

Mayor Bell declared the public hearing closed.

Council Member Clement made comments regarding the Coffee with Council.

Council Member Best suggested for next year that Coffee with Council sessions be located throughout the City of Durham in the areas of North Durham, Southpoint and Parkwood, etc.

Council Member Brown expressed concern why Trinity Park was chosen as one of the first neighborhoods for code enforcement. He noted the first priority should be NECD and the Housing Department should work with the Campaign for Decent Housing and Durham Affordable Housing Coalition that have already identified houses that are vacant and boarded up.

City Manager Conner briefed Council on the two strategies for code enforcement highlighting staff's work with the Coalition to identify vacant and abandoned houses and the code enforcement team to go into owner occupied dwellings in the neighborhoods of West End, Burch Avenue, Lakewood-Tuscaloosa, East End, Albright, East Durham, Joy Land and Wellons Village. Also, she noted the administration will be providing monthly reports to identify where inspections have been completed and take a look at houses that have been vacant/abandon and give an update on the process.

Richard Mullinax asked the administration if every house will be inspected and what would be the criteria.

City Manager Conner noted she would provide information to Mr. Mullinax.

February 2, 2004

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to receive public comments on the City of Durham's Fiscal Year 2004-05 Budget was approved at 8:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: RECTIFICATION OF CITY'S AND COUNTY'S VERSIONS OF ADOPTED LAND USE PLAN – HAMLIN ROAD (A02-19 AND A03-10)

To receive public comments on Plan Amendments (A02-19 and A03-10 - Hamlin Road); and

To adopt resolutions amending the Land Use designation on the Future Land Use Map of the North Durham Plan from High Density Residential to Low Density Residential in order to provide conformity with County adopted plans.

City/County Planning Director Frank Duke briefed Council on the staff report.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor declared the public hearing closed.

MOTION by Council Member Clement seconded by Council Member Best to receive public comments on Plan Amendments (A02-19 and A03-10 - Hamlin Road); and

To adopt resolutions amending the Land Use designation on the Future Land Use Map of the North Durham Plan from High Density Residential to Low Density Residential in order to provide conformity with County adopted plans was approved at 8:56 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

Resolution #s 9079 - 9080

SUBJECT: FY 2004-2005 CONSOLIDATED ACTION PLAN "NEEDS" PUBLIC HEARING

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor declared the public hearing closed.

MOTION by Council Member Clement seconded by Council Member Best to receive public comments on the FY 2004-2005 Consolidated Action Plan "Needs" was approved at 8:58 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

February 2, 2004

[GENERAL BUSINESS AGENDA]

SUBJECT: CONTRACTS

MOTION by Council Member Stith seconded by Council Member Clement to authorize the City Manager to execute contracts on the list; and

To authorize the City Manager to make changes to contracts on the list before execution as long as the changes do not increase the dollar amount and remain consistent with the general intent of the contracts was approved at 8:58 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

Contractor	Contract Description	Dept	CT Amt
Alston Glenn	Agreement to harvest fescue on city owned property off John Jones Road	Gen Ser	na
Paul Gemborys	Tennis Lessons	P&R	\$ 2,000.00
Stuart Krall	Official	P&R	\$ 1,500.00
Jeffrey Reece	Gate Opener	P&R	\$ 1,400.00
Andrew Griffin	Gate Opener	P&R	\$ 1,400.00
Terry Parrish	Senior square dance	P&R	\$ 400.00
Edwin Dennis	Gate Opener	P&R	\$ 1,400.00
Joey Ingram	Official	P&R	\$ 2,500.00
Joseph Palvaro	Soccer Referee	P&R	\$ 2,500.00
Joey Ingram	Official	P&R	\$ 1,500.00
Wilbur Blake	Official	P&R	\$ 2,500.00
Isaiah Lincoln	Official	P&R	\$ 2,500.00
Grant Underhill	Official	P&R	\$ 2,500.00
Edwin Dennis	Tennis Lessons	P&R	\$ 2,000.00
Craig Wolfe	Official	P&R	\$ 2,500.00
Vaughn Reynolds	Official	P&R	\$ 2,500.00
David Everly	Official	P&R	\$ 2,500.00
Krista Reynolds	Official	P&R	\$ 2,500.00
El Centro	Domestic Violence Prevention training and set up	Housing	\$ 5,000.00
NCCU	Broadcast "Cita Dominical"	Human Rel.	\$ 20,000.00
Durham Marriott	Human Relations banquet	Human Rel.	\$ 3,700.00

SUBJECT: CONTRACT FOR LOBBYING SERVICES - JORDEN BURT, LLP

February 2, 2004

To authorize the City Manager to execute a three year contract for Federal Lobbying Services with Jorden Burt, LLP for an annual amount of \$75,000; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract.

Assistant City Manager Ted Voorhees made comments on this item.

Council Member Clement asked staff if there was a stipulation for review of contract and what services would be provided.

Assistant City Manager Ted Voorhees summarized Sec 2. [Termination for Convenience] of the contract.

City Manager Conner noted the administration will provide Council with an annual report outlining accomplishments of the firm.

A motion was made by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to approve the item as printed on the agenda.

A substitute motion was made by Council Member Stith to use \$75,000 for other needs in the City and to utilize the services of our federal representative for federal lobbying services. Motion dies for a lack of a second.

Council Member Brown made comments in support of the original motion.

Several Council members noted Congressman Price's staff is not equipped to handle all the research that is required.

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to authorize the City Manager to execute a three year contract for Federal Lobbying Services with Jorden Burt, LLP for an annual amount of \$75,000; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 9:05 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti and Clement. Noes: Council Member Stith. Absent: None.

SUBJECT: TECHNICAL ASSISTANCE CONTRACT WITH THE NATIONAL DEVELOPMENT COUNCIL

February 2, 2004

City Manager Conner noted the contract for this item has been amended to reflect a six-month period with the option for renewal as requested by Council at the Work Session.

Mayor Pro Tempore Cole-McFadden asked the administration if technical assistance will also be provided to the Economic Development staff since they will be handling CDBG funds and if they have been trained to deal with HUD monies.

Interim Housing Director Constance Stancil noted technical assistance will be provided for the Housing Department and Lillian Johnson in Economic Development attended training for CDBG.

Council Member Stith made comments on the amount budgeted and timeline for staffing needs.

Council Member Best asked the administration to document recommendations on specific activities for housing development projects.

MOTION by Council Member Clement seconded by Council Member Stith to authorize the City Manager to execute a contract with The National Development Council to provide technical assistance services to the Department of Housing and Community Development in an amount not to exceed \$60,000 including expenses; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 9:14 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

[SUPPLEMENTAL ITEMS]

SUBJECT: AGREEMENT FOR POLICE COOPERATION AND MUTUAL AID WITH DUKE UNIVERSITY

To authorize the City Manager to enter into an Agreement with Duke University for Police Cooperation and Mutual Aid for the extension of law enforcement authority beyond the boundaries of the campus; and

To authorize the City Manager to modify the agreement before execution provided that modifications do not increase the dollar amount of the agreement, and the modifications are consistent with the general intent of the existing version of the agreement.

Senior Police Attorney Arnetta Herring briefed Council on this item noting this agreement would extend boundaries for Duke University to have jurisdiction for law enforcement purposes.

February 2, 2004

Relative to the agreement, Council Member Catotti expressed concern that the language in Section 2.4 for Duke University does not mention notifying the City of any Part I offenses of Homicide or Rape as outlined in NCCU's agreement.

Major Sara Minnis, of Duke University, noted this information is reported to the SBI and they do not report any of their crimes to the Durham Police Department.

City Manager Conner made remarks on the reporting requirements highlighting that NCCU is a state organization and Duke University is private.

Council Member Catotti asked Duke University to add the following sentence to their agreement: *The Head of Campus Law Enforcement Agency or his designee shall, as soon as practical, notify the Head of City Law Enforcement Agency or his designee as to any occurrence of the Part I offenses of Homicide or Rape.*

Mayor Bell suggested that Major Minnis go back to Duke University to find out if they are willing to add additional language.

City Manager Conner noted this item will be continued to the February 5, 2004 City Council Work Session.

Note: No action was taken on this item; however, it was noted that this matter would be continued to the February 5, 2004 City Council Work Session.

**SUBJECT: AGREEMENT FOR POLICE COOPERATION AND MUTUAL AID
WITH NORTH CAROLINA CENTRAL UNIVERSITY**

Senior Police Attorney Arnetta Herring briefed Council on this item noting this agreement would extend the boundaries for NCCU to have jurisdiction for law enforcement purposes.

Council held discussion on the liability issue, crimes committed on Duke's campus and notification of statistics by Duke.

Victor Ingram, of NCCU Police Department, briefed Council on the crime reporting standards.

City Manager Conner suggested that the administration could come back with a six-month or annual report to Council outlining crimes being committed at Universities.

MOTION by Council Member Clement seconded by Council Member Stith to authorize the City Manager to enter into an Agreement with North Carolina University for Police Cooperation and Mutual Aid for the extension of law enforcement authority beyond the boundaries of the campus; and

February 2, 2004

To authorize the City Manager to modify the agreement before execution provided that modifications do not increase the dollar amount of the agreement, and the modifications are consistent with the general intent of the existing version of the agreement was approved at 9:39 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

Mayor Bell asked to be excused from Thursday's Work Session due to City business.

MOTION by Council Member Clement seconded by Council Member Stith to excuse Mayor Bell from the February 5, 2004 City Council Work Session was approved at 9:39 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

There being no further business to come before the City Council, the meeting was adjourned at 9:39 p.m.

Linda E. Bratcher
Deputy City Clerk

D. Ann Gray, CMC
City Clerk